

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DAVID L. DEARING,

Case No. 2:17-cv-02937-RFB-PAL

Petitioner.

V.

SHERIFF JOE LOMBARDO, et al.,

ORDER

Respondents.

This is David L. Dearing's *pro se* 28 U.S.C. § 2254 petition for a writ of habeas corpus (ECF No. 5). Dearing seeks to serve the petition on Clark County Sheriff Joe Lombardo. However, the summons was returned unexecuted because Dearing failed to furnish to the U.S. Marshal with the required USM-285 form (*see* ECF Nos. 6, 7, 8).

IT IS THEREFORE ORDERED that the Clerk of Court **SHALL ISSUE** summons for respondent Clark County Sheriff Joseph Lombardo, **AND DELIVER THE SAME**, to the U.S. Marshal for service. The **Clerk SHALL SEND** to petitioner the USM-285 form. The **Clerk also SHALL SEND** a copy of the petition and a copy of this order to the U.S. Marshal for service on respondent. Petitioner shall have **30 days** within which to furnish to the U.S. Marshal the required USM-285 form with relevant information as to respondent on each form. Within 20 days after receiving from the U.S. Marshal a copy of the USM-285 form showing whether service has been accomplished, petitioner must file a notice with the court indicating whether respondent was served. If petitioner wishes to have service again attempted on an unserved respondent, then a motion must be filed with the court identifying the unserved respondent and specifying a more

1 detailed name and/or address for said respondent, or whether some other manner of service should
2 be attempted.

3 **IT IS FURTHER ORDERED** that henceforth, petitioner shall serve upon respondents or,
4 if appearance has been entered by counsel, upon the attorney(s), a copy of every pleading, motion
5 or other document submitted for consideration by the court. Petitioner shall include with the
6 original paper submitted for filing a certificate stating the date that a true and correct copy of the
7 document was mailed to respondent or counsel for respondent. The court may disregard any paper
8 received by a district judge or magistrate judge which has not been filed with the clerk, and any
9 paper received by a district judge, magistrate judge or the clerk which fails to include a certificate
10 of service.

11 **IT IS FURTHER ORDERED** that respondents shall file a response to the petition,
12 including potentially by motion to dismiss, within **30 days** of service of the petition, with any
13 requests for relief by petitioner by motion otherwise being subject to the normal briefing schedule
14 under the local rules.

15 **IT IS FURTHER ORDERED** that petitioner shall have **30 days** from service of the
16 answer, motion to dismiss, or other response to file a reply or opposition, with any other requests
17 for relief by respondents by motion otherwise being subject to the normal briefing schedule under
18 the local rules.

19 **IT IS FURTHER ORDERED** that any additional state court record exhibits filed herein
20 by either petitioner or respondents shall be filed with a separate index of exhibits identifying the
21 exhibits by number. The CM/ECF attachments that are filed further shall be identified by the
22 number of the exhibit in the attachment.

23 **IT IS FURTHER ORDERED** that that the parties shall send courtesy copies of **any**
24 **responsive pleading or motion and all INDEXES OF EXHIBITS ONLY** to the Reno Division
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1 of this court. Courtesy copies shall be mailed to the Clerk of Court, 400 S. Virginia St., Reno, NV,
2 89501, and directed to the attention of "Staff Attorney" on the outside of the mailing address label.
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4 **No further courtesy copies are required unless and until requested by the court.**

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6 DATED: April 11, 2019.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE